

United States District Court
FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2007 AUG 27 P 1:42

E-FILING

UNITED STATES OF AMERICA
v.
RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

CRIMINAL COMPLAINT

Juan Carlos LOPEZ-Serrano

(Name and Address of Defendant)

CASE NUMBER: 07-70503-HRL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, August 20, 2007, in Santa Clara County in the Northern District of California defendant(s) was, (Check Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following
Official Title
facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence,

8/27/07
Date

at

San Jose, California

City and State

Signature of Judicial Officer

Howard R. Lloyd
United States Magistrate Judge
Name & Title of Judicial Officer

RE: LOPEZ-Serrano, Juan Carlos A75 537 464

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. LOPEZ-Serrano is a 45-year-old male who has used twenty-four (24) aliases and three (3) dates of birth in the past.
- (2) Mr. LOPEZ-Serrano has been assigned two (2) Alien Registration numbers of A75 537 464 and A72 124 679, FBI number of 175294HA0, California Criminal Information Index number of A08480738, and a Santa Clara County Personal File Number of CCV587.
- (3) Mr. LOPEZ-Serrano is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
December 13, 2001	Nogales, AZ
August 9, 2005	Nogales, AZ

- (4) Mr. LOPEZ-Serrano last entered the United States at or near San Ysidro, CA on or after August 9, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. LOPEZ-Serrano on a date unknown, but no later than August 20, 2007, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On August 23, 2007, Mr. LOPEZ-Serrano was interviewed by Immigration Enforcement Agent (IEA) Steven Contreras at the Santa Clara Co Jail Elmwood, Milpitas, CA, and during that interview, Mr. LOPEZ-Serrano was advised of his **Miranda** rights in Spanish. Mr. LOPEZ-Serrano waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.
- (6) Mr. LOPEZ-Serrano was, on June 15, 1987, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION OF COCAINE (case#114737), a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to six (6) months in jail.

RE: LOPEZ-Serrano, Juan Carlos A75 537 464

- (7) Mr. LOPEZ-Serrano was, on June 15, 1987, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION OF PCP (case#114738), a felony, in violation of Section 11377(a) of the California Health and Safety Code, and was sentenced to six (6) months in jail.
- (8) Mr. LOPEZ-Serrano was, on March 8, 1990, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION OF COCAINE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to four (4) months in jail.
- (9) Mr. LOPEZ-Serrano was, on March 21, 1990, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of USE/UNDER THE INFLUENCE OF CONTROLLED SUBSTANCE, TO WIT: PCP, a misdemeanor, in violation of Section 11550(a) of the California Health and Safety Code, and was sentenced to ten (10) months in jail.
- (10) Mr. LOPEZ-Serrano was, on October 2, 1997, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of USE/UNDER THE INFLUENCE OF CONTROLLED SUBSTANCE, a misdemeanor, in violation of Section 11550(a) of the California Health and Safety Code, and was sentenced to one (1) day in jail.
- (11) Mr. LOPEZ-Serrano was, on November 3, 2000, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of PETTY THEFT, a misdemeanor, in violation of Section 484/488 of the California Penal Code, and was sentenced to thirty (30) days in jail.
- (12) On the basis of the above information, there is probable cause to believe that Mr. LOPEZ-Serrano illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 27 day of August, 2007

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE